

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington D.C. 20436

In the Matter of

CERTAIN PLASMA DISPLAY PANELS
AND PRODUCTS CONTAINING SAME

Inv. No. 337-TA-445

**NOTICE OF COMMISSION DECISION TO ADOPT TWO RECOMMENDED
DETERMINATIONS CONCERNING SANCTIONS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to adopt two recommended determinations (RDs) issued by the presiding administrative law judges in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone 202-205-3104. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 16, 2001, based on a complaint filed by the Board of Trustees of the University of Illinois of Urbana, Illinois, and Competitive Technologies of Fairfield, Connecticut. The respondents named in the investigation are Fujitsu Limited, Fujitsu General Limited, Fujitsu General America Corp., Fujitsu Microelectronics, Inc., and Fujitsu Hitachi Plasma Display Ltd. (collectively, "Fujitsu"). The complaint, now withdrawn, alleged that Fujitsu violated section 337 of the Tariff Act of 1930 by importing into the United States, selling for importation, and/or selling within the United States after importation certain

plasma display panels and products containing same by reason of infringement of certain claims of U.S. Letters Patent Nos. 4,866,349 and 5,081,400.

On May 8, 2001, the ALJ issued a recommendation that the Commission issue a public reprimand to the law firm of Morrison & Foerster, LLP in connection with a breach of the administrative protective order (APO) in this investigation. Pursuant to the Commission's order of July 31, 2001, comments concerning the May 8, 2001, recommendation were filed on August 24, 2001, by complainants, Fujitsu, and the Commission investigative attorney. Reply comments were filed on August 31, 2001, by the same parties.

On June 26, 2001, complainants moved to withdraw their complaint and terminate the investigation. On July 10, 2001, the presiding ADJ issued an ID granting the motion and terminating the investigation. The Commission decided not to review that ID on July 31, 2001, and it therefore became the Commission's final determination under Commission rule 210.42, 19 C.F.R. § 210.42. 66 *Fed. Reg.* 40722 (August 3, 2001).

On August 9, 2001, the presiding ALJ issued an RD denying a motion by complainants for costs, including attorney fees in connection with their motion for sanctions. No comments were filed concerning the August 9, 2001, RD.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and sections 201.15 (a), 210.25, and 210.34 of the Commission Rules of Practice and Procedure, 19 C.F.R. §§ 201.15 (a), 210.25, and 210.34.

By order of the Commission.

Marilyn R. Abbott
Acting Secretary

Issued: February 15, 2002